

239

TELEGRAPHIC MESSAGE

NAME OF AGENCY FEDERAL COMMUNICATIONS COMMISSION		PRECEDENCE ACTION: ML INFO:	MAIL BRANCH MAR 14 1988 SENT VIA WESTERN UNION
ACCOUNTING CLASSIFICATION COLLECT		DATE PREPARED 3-11-88	
FOR INFORMATION CALL			
NAME AM BRANCH - 7		PHONE NUMBER 632-7010	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE ADDRESS

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

U.S. TWO BROADCASTING CORP.
RADIO STATION WTRU(AM)
C/O ROBERT TAYLOR (PHONE AND MAIL)
RADIO STATION WXKE (219)484-0580
2541 GOSHEN
FT. WAYNE, IN 46808

REF. 8910-ARE. RELET BAYES 2-29-88. AUTHORITY AND TERMS
COMTEL 5-21-87 EXTENDED THRU 5-2-88, PENDING RESOLUTION OF
MATTERS INVOLVING FM STATION WKSY. ANY REQUEST FOR
EXTENSION MUST BE ACCOMPANIED BY A DETAILED REPORT OF STEPS
BEING TAKEN TO RETURN STATION TO AIR.

THOMAS E. ALBERS
CHIEF, AM BRANCH
MASS MEDIA BUREAU, FCC

ANDREE ELLIS
COMMS. ANALYST

ENC-MAIL, FL

CC:
JAMES R. BAYES, ESQ.

AELLIS:AFR/ASD/MB/WTRU

SECURITY CLASSIFICATION

PAGE NO.

NO. OF PGS.

MAIL BRANCH

FEDERAL COMMUNICATIONS COMMISSION		PRECEDENCE ACTION: HL	SECURITY CLASSIFICATION MAY 16 1988
ACCOUNTING CLASSIFICATION COLLECT	DATE PREPARED 5/16/88	SENT VIA WESTERN UNION	
NAME AM BRANCH	PHONE NUMBER 632-7010	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS	

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

U.S. TWO BROADCASTING CORP.
RADIO STATION WTED(AM) PHONE AND MAIL
C/O ROBERT TAYLOR
RADIO STATION WXXE (219) 484-0580
2541 COSHER
FT. WAYNE, IN 46808

REF. 8910-ARE. RELET BAYES 5/2/88. AUTHORITY AND TERMS
CONTEL 5/21/87 EXTENDED THRU 7/31/88, PENDING RESOLUTION OF
STATION AND FINANCIAL MATTERS INVOLVING FM STATION WXXY.
ANY REQUEST FOR EXTENSION MUST BE ACCOMPANIED BY A DETAILED
REPORT OF STEPS BEING TAKEN TO RETURN STATION TO AIR.

THOMAS M. ALBERS, CHIEF AM BRANCH
ANDREE R. ELLIS, COMS. ANALYST
MASS MEDIA BUREAU, FCC

WIC: MIAMI, FL

CC: JAMES R. BAYES, ESQUIRE

AME/a j/asd/AME/ve

SECURITY CLASSIFICATION

PAGE NO. NO. OF PGS.

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WILEY, REIN & FIELDING

JUL 28 1988

1776 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 429-7000

Federal Communications Commission
Office of the Secretary

JAMES R. BAYES
(202) 429-7064

July 28, 1988

AUG 01 1988

W 35-1100

Mr. H. Walker Feaster, III
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: WTRU(AM), Jupiter, Florida

Dear Mr. Feaster:

By letter dated May 2, 1988, U.S. Two Broadcasting Corporation, licensee of WTRU(AM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's grant of a minor change application filed by WTRU's sister station, WKSJ(FM) to specify operation on Channel 258A, pursuant to the FCC's directive in the Report and Order, released February 10, 1988 (MM Docket No. 87-233). Previously, the Commission had granted U.S. Two's request to remain silent pending the FCC's disposition of a rulemaking proceeding which, inter alia, proposed the substitution of Channel 258A for the current allotment of Channel 296A at Jupiter, Florida. Thus, the Commission has authorized WTRU to remain silent through July 31, 1988.

As the Commission's records will reflect, WKSJ(FM), licensed to commonly-owned U.S. Three Broadcasting Corporation, suspended operations effective April 1, 1987 in connection with a frequency change required as a result of earlier Commission rulemaking proceedings. To avoid the disruption of the second channel change proposed in the proceedings, U.S. Three requested that WKSJ be permitted to remain silent pending the completion of the proceeding. WTRU simulcasts the programming of and is jointly staffed with WKSJ, and the AM station is dependent upon the FM station economically. Accordingly, the AM station also was forced to suspend operations on April 1, 1987 and requested authority to remain silent along with its sister FM station. In addition, the AM station required substantial repairs before it could be returned to the air. While those repairs have now been completed, WTRU is still not in a position to operate independently of the FM station as a stand-alone facility.

Mr. H. Walker Feaster, III
July 28, 1988
Page 2

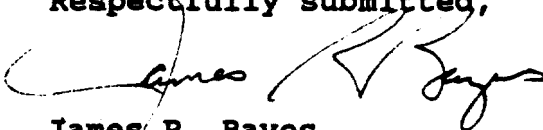
As explained in the May 24, 1988 letter, WKSJ has filed its modification application with the Commission (File No. BPH-880502IC). That application has not yet been granted. Therefore, FM station WKSJ is not yet in a position to resume operations.

WKSJ has taken steps, however, to enable it to resume operation promptly upon FCC grant of its modification application. The undersigned is advised that the station has placed an order for new equipment and construction services with Harris Corporation and has made a cash deposit on that order. The station has been advised by Harris Corporation that manufacturing of the new equipment has begun.

As soon as the Commission has granted the WKSJ minor change application, the FM licensee will complete the modifications required to return the station to the air on its new channel. At the same time, U.S. Two expects to be able to return WTRU to the air. Until the FM station is operational on Channel 258A, however, the AM station is not in a financial position to resume AM broadcasting operations. Accordingly, U.S. Two respectfully requests a further extension of its authorization for WTRU to remain silent pending processing and grant of the FM station minor change application and implementation of the facilities modifications necessary for operation on the new FM channel. At that time, U.S. Two will once again be in a position to operate WTRU and resume AM service to the Jupiter, Florida community.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,



James R. Bayes

cc: Mr. Robert Taylor

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WILEY, REIN & FIELDING

OCT 31 1988

1776 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 429-7000

Federal Communications Commission
Office of the Secretary

JAMES R. BAYES
(202) 429-7064

October 31, 1988

1 1988

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: WTRU(AM), Jupiter, Florida

Dear Ms. Searcy:

By letter dated July 28, 1988, U.S. Two Broadcasting Corporation, licensee of WTRU(AM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's grant of a minor change application filed by WTRU's sister station, WKSJ(FM), to specify operation on Channel 258A in accordance with the FCC's directive in MM Docket No. 87-233. Pursuant to that request, the Commission has authorized WTRU to remain silent through October 31, 1988.

As the Commission's records will reflect, WKSJ(FM), licensed to commonly-owned U.S. Three Broadcasting Corporation, suspended operations in connection with a frequency change required as a result of earlier Commission rulemaking proceedings. To avoid the disruption of the second channel change proposed in MM Docket No. 87-233, U.S. Three requested that WKSJ be permitted to remain silent pending the completion of that proceeding. WTRU simulcasts the programming of and is jointly staffed with WKSJ, and the AM station is dependent upon the FM station economically. Accordingly, the AM station also was forced to suspend operations and requested authority to remain silent along with its sister FM station. In addition, the AM station required substantial repairs, which have now been completed. Nevertheless, WTRU still is not in a position to operate independently of the FM station as a stand-alone facility.

WKSJ has filed its modification application with the Commission (File No. BPH-880502IC; BPH-880831IE). The Commission's staff is actively processing the application, and U.S. Three Broadcasting Corporation is today filing an amendment in response to a staff request. Accordingly, it

Ms. Donna R. Searcy
October 31, 1988
Page 2

appears that the modification application will be granted shortly, and WKSJ will be in a position to resume operations.

In fact, WKSJ has already taken steps to enable it to resume operation promptly upon FCC grant of the modification application. The undersigned is advised that the licensee has made arrangements for all necessary equipment, is reassembling a station staff, and is taking the other necessary steps to put WKSJ and WTRU back in operation. As soon as the Commission has granted the WKSJ application, the FM licensee will complete the modifications required to return the station to the air on its new channel. At that time, WTRU also will be able to resume operations.

Until then, however, the AM station will not be in a financial position to resume stand-alone broadcasting operations. Accordingly U.S. Two respectfully requests a further extension of its authorization for WTRU to remain silent pending processing and grant of the FM station minor change application and implementation of the facilities modifications necessary for WKSJ to operate on the new FM channel.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,



James R. Bayes

cc: Mr. Robert Taylor
Mr. Andre Ellis

FEB 2 1989
AM BRANCH

January 23, 1989

Robert B. Taylor, Licensee
WTRU (AM)
500 North Delaware
P.O. Box 848
Jupiter, Florida 33458

FEB 1 1989

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: WTRU (AM), Jupiter, Florida

Dear Ms. Searcy:

By letter dated October 31, 1988, U.S. Two Broadcasting Corporation, former licensee of WTRU (AM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's grant of a minor change application filed by WTRU's sister station, WKSJ (FM), to specify operation on Channel 258A in accordance with the FCC's directive in MM Docket No. 87-233. Pursuant to that request, the Commission has authorized WTRU to remain silent through January 27, 1989.

On November 15, 1988, the Commission granted the WKSJ minor change application (File No. BPH-88083IIE). At this time, the licensee of these stations is taking the necessary steps to put WKSJ and WTRU back in operation. Much of the necessary physical construction work has been accomplished on both stations. The following work has been done on WTRU as preparation to resume broadcasting:

- 1) On December 24, 1988, the licensee's engineering employees installed a new ERI 404 isolation transformer (isocoupler) in the transmission line on the west AM tower.
- 2) On December 27, 1988, the licensee shipped the WTRU antenna monitor to the manufacturer for repair and recalibration. The manufacturer, Potomac Instruments, Inc., of Silver Spring, Maryland, has completed the work and has advised WTRU the unit will be shipped back to Jupiter upon payment of their invoice of \$284.64. A check will be mailed this week.
- 3) On December 27, 1988, the licensee shipped the WTRU modulation monitor to Harris Corporation in Quincy, Illinois, for repair and recalibration. At this point, Harris has not completed the work.


-2-

Prior to resuming operation, WTRU must complete antenna impedance measurements and field strength measurements as part of a proof of performance. WTRU also must erect a fence in order to meet American National Standards Institute (ANSI) guidelines regarding radio frequency radiation. Until these requirements are completed, WTRU will not be able to resume broadcasting operations.

Accordingly, as licensee of WTRU, I respectfully request a further extension of the Commission's authorization for WTRU to remain silent.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,


Robert B. Taylor,
Licensee, WTRU (AM)

cc: Andree R. Ellis

RBT:caft

- 21 -

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

IN REPLY REFER TO:

February 7, 1989

U.S. Two Broadcasting Corporation
Radio Station WTRU(AM)
c/o Robert Taylor
Radio Station WXKE(AM)
2541 Goshen
Ft. Wayne, IN 46808

Ref. 8910-ARE. Relet Atty. Bayes 1/23/89. Authority and terms comtel 5/21/87 are extended thru 4/27/89, pending resolution of station and financial matters involving FM Station WKSX. Any request for extension must be accompanied by a detailed report of steps being taken to return station to air.

Thomas N. Albers
Chief, AM Branch
Mass Media Bureau, FCC

Andree R. Ellis
Comms. Analyst

EIC-Miami, Florida

cc: James R. Bayes, Esq.

ARE:afr/asd/mmb/wtru

DECLARATION OF STEVE MAY

My name is Steve May. I was employed at Station WTRU(FM), Jupiter, Florida from Nov 1989 until Nov 1990. My position at the station was program director.

Station WTRU(FM) did not maintain a public inspection file at its studios in Jupiter, Florida. On at least two occasions, Charles Reid appeared at the station and requested the public inspection file. I had no documents available for him to inspect.

Robert Taylor, the licensee of Station WTRU(FM), broadcast the tapes of Toby Arnold and Associates' copyrighted format "Unforgettable" over Station WTRU(FM). At the time of these broadcasts, Station WTRU(FM) had no license or other permission to broadcast the "Unforgettable" format. Mr. Taylor used the "Unforgettable" tapes on Station WTRU(FM) to avoid having to pay for programming.

In NOVEMBER, 1990, Mr. Taylor discharged the entire ^{AIR} staff of Station WTRU(FM) in an effort to save money at the station. He did not pay me the wages he owed me for working at the station.

I declare under penalty of perjury that the matters set out above are true.


Steve May

December 27, 1990

STATEMENT OF SHERI MCKIN

I started work at the WKSX radio station about May 1985. Mr. Cox was the sales manager and was in charge of everything. He was boss until Mr. Bob Taylor walked thru the door. I answered the phones for Mr. Cox and the whole station as a receptionist. I was the only office person in the whole place. I typed invoices, opened mail to the station and any mail to Mr. Taylor was forwarded to him at a Michigan post office box. I saw Mr. Taylor about once a month.

I never saw a public access file, I don't even know what a public access file is.

I didn't feel the station was being run right at the time. People called me for prizes and I had to take messages for the manager (Mr. Cox) to call back. The gifts given away were traded for air-time. At one point we had more trade commercials than we had paid commercials.

We were in an old radio house that I cleaned and vacuumed as part of my job.

The equipment was maintained and Bob Taylor was allways called when we had mechanical problems. The equipment was outdated.

The public files were non-existent to my knowledge and I was the only office person.

As far as Bob Cox was concerned, I wouldn't let Bob run my dog Kennel. I liked him, he has a good personality but he was a B.S.'er. He would sell, sell, sell and we didn't have the prizes to give away. He would handle the prize recipients, I would end up with the phone calls and they were hard to handle. He made promises in the dark and couldn't deliver. I didn't feel Bob Cox was a responsible person nor Bob Taylor either. I have a conscience and I would not do anything immoral or illegal for Bob Cox or Bob Taylor.

On the 29th of December, 1986, there was a note on the door. I walked inside and Bob Taylor was there. I asked "Whats going on?" He said we weren't making any money and he was closing the station. I said I figured this would happen. My sister won a prize- a trip to the Bahamas- she is from out of state (Ohio), her name is Patricia Stiles, (614) 471-5723. She never received her gift though. When I was laid off I knew my sister would never get her gift.

If there were any problems Bob Cox would handle them.

I declare, under penalty of perjury that the matters stated here are true and correct.

COUNTY, PALM BEACH
STATE, FLORIDA

This 17th Day of Jan 1991

Sheri L. McKin
SHERI L. MCKIN

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES APRIL 28, 1991
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

Wanda F. Vraback

January 9, 1991

STATEMENT OF LORRIANE POPOVICH (MUSTAPICK)

I was hired at the station (WKSY) and worked about 5 months and hired as an account executive. I worked directly for Bob Cox, I was paid by Bob Taylor. The station was not making money when I was there. We had a lot of trade advertising that Mr. Cox and Mr. Taylor set-up. We would switch the format, we went from Easy Listening to Lite to Rock & Roll in a 5 month period. It was difficult to sell to advertisers because of switching formats. Mr. Taylor made infrequent visits to the station and approved everything that Mr. Cox did *as far as I know*. On December 29, 1986, I arrived at work at the station to find the other employees in the parking lot and the station door was locked with a note on the door. Bob Taylor was not there nor did we ever see him. The note said that the following people were laid-off, they were Bob Cox, Debbie Kessler, Sheri McKinn & myself. We were locked out that day. I did return another day to clean-out my desk. The station was still running because the announcers were still there.

We never had a public file to my knowledge, if we did I was not told about it nor did I ever see it.

As far as Bob Cox was concerned as running the station, we tried to promote the station but we had too much trade and couldn't get enough paying clients. Mr. Taylor was hardly ever there to oversee operations, and Bob Cox was given 100% responsibility to run operations as far as I knew.

As far as operations of the tower is concerned the top light of the tower was burned out for at least a couple of months. We had a couple of warnings for the lights that were out.

I feel that we were let go in an unprofessional manner.

I declare, under penalty of perjury that the matters stated here are true and correct.

Signature of Lorraine M. Popovich
on original dated 1/09/91.



Lorraine M. Popovich

—

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

SEP 23 1988

Federal Communications Commission
Office of the Secretary

In the Matter of)

)
Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations
(Jupiter, Florida)

) MM Docket No. 88-366
) RM-6260

) EA-6531

To: Chief, Allocations Branch

COMMENT AND COUNTERPROPOSAL
OF U.S. THREE BROADCASTING CORPORATION

U.S. Three Broadcasting Corporation ("U.S. Three"), by its attorneys, hereby submits its Comments and Counterproposal in response to the Commission's Notice of Proposed Rulemaking, DA 88-1136, released August 3, 1988 ("NPRM") in the above-captioned proceeding. In its NPRM, the Commission proposes to allot Channel 288A to Jupiter, Florida as its second FM service. For the reasons set forth below, U.S. Three respectfully submits that the Commission should reject the proposed allotment and, instead, allot Channel 288A to White City, Florida as that community's first FM outlet.

U.S. Three is the licensee of FM broadcast station WKSX, Jupiter, Florida, which is under common control with daytime-only AM broadcast station WTRU, also licensed to Jupiter. The proposed allotment of Channel 288A to Jupiter, which had a 1980 population of 9,868, would represent the town's second FM channel and third authorized aural service. As the

Treated as a counterproposal

attached Engineering Statement demonstrates, however, Channel 288A may also be allotted to White City, Florida, consistent with the Commission's spacing and other technical requirements.¹

White City is a Census Designated Place with a 1980 population of 4,110. It is located adjacent to U.S. Highway 1 and Route 712 and is the location of several shopping centers and various other commercial establishments. At present, White City, Florida has no local AM or FM broadcast assignments. The allotment of Channel 288A to White City, then, would provide the community with its first aural outlet. Commission policy and precedent makes clear that such a first local service is to be preferred over the allotment of a second FM channel (and third aural facility) to Jupiter. See, e.g., FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982); FM Channel Assignments, 2 FCC Rcd. 3583, 3586-7 (M.M. Bur. 1987), aff'd, FCC 88-199 (released July 5, 1988).

As indicated in the accompanying Engineering Statement, the Commission's recent Notice of Proposed Rulemaking in MM Docket No. 88-217 (DA 88-737, released May 25, 1988) proposed the allotment of Channel 267A to Port St. Lucie, Florida as

¹ The proposed allotment of Channel 288A to White City, like the proposed allotment of the Channel to Jupiter, would be contingent on the relocation of WAVW(FM), Vero Beach, Florida, from Channel 288A to Channel 279C2. See NPRM at ¶2.

that community's first FM channel. A counterproposal submitted in that proceeding on July 15, 1988 by Treasure Coast Media, Inc. (RM-6465) requested that Channel 288A be allotted to Port St. Lucie in lieu of Channel 267A, in order to accommodate Treasure Coast's desire to upgrade its WCXL, Vero Beach, Florida to Class C2 status on Channel 272C2. If adopted, the Treasure Coast counterproposal would preclude the allotment of Channel 288A to either White City or Jupiter, since either would be short-spaced to a Channel 288A assignment at Port St. Lucie. Should the Commission reject the counterproposal and allot Channel 267A to Port St. Lucie as originally proposed, however, there would be no obstacle to implementation of U.S. Three's counterproposal herein, thus bringing a first local service to both Port St. Lucie (Channel 267A) and White City (Channel 288A).

In the event the Commission determines to allot Channel 288A to White City, Florida as requested herein, U.S. Three intends to apply for a construction permit for a new station to operate on that channel and, if authorized, promptly to construct the proposed station.

Accordingly, U.S. Three respectfully submits that the Commission should reject the proposed allotment of Channel

288A to Jupiter, Florida and, instead, amend the FM Table of Allotments as follows to provide a first FM service to White City, Florida:

<u>Community</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
White City, Florida	--	288A

Respectfully submitted,

U.S. THREE BROADCASTING
CORPORATION

By: 

James R. Bayes

of

WILEY, REIN & FIELDING

1776 K Street, N.W.

Washington, D.C. 20006

(202) 429-7000

Its Attorneys

September 23, 1988

RUBIN, BEDNAREK & ASSOCIATES, INC.

CONSULTING TELECOMMUNICATIONS ENGINEERS

1667 K STREET, NW SUITE 360

WASHINGTON, DC 20006

PHILIP A. RUBIN
ROBERT A. BEDNAREK
WILLIAM T. HAGGERTY
ABDOLMAJID KHALILZADEH

(202) 246-9380

ENGINEERING STATEMENT

I, William T. Haggerty hereby certify; that I am a telecommunications consultant and associate of the firm of Rubin, Bednarek & Associates with offices at 1667 K Street, N.W., Washington, D.C. As an associate, I have provided consulting services in the area of broadcasting since 1982 and my qualifications in that regard are a matter of record with the Federal Communications Commission. I am thoroughly familiar with the technical portions of Part 73 of the FCC Rules and Regulations relating to the design, licensing and operation of broadcast transmission facilities.

The firm of Rubin, Bednarek & Associates has been retained by U.S. Three Broadcasting Corporation (Petitioner) to prepare this Engineering Statement in support of Comments concerning amendment of the Commission's FM Table of Allotments to specify Channel 288A in Jupiter, Florida as proposed in MM Docket 88-366. Specifically, Petitioner proposes that Channel 288A be allotted to White City, Florida as its first FM channel.

Background

In response to a petition for rule making filed by Dennis L. Johnson, the Commission, in its Notice of Proposed Rule Making (NPRM) in MM Docket 88-366 (RM-6260), released August 3, 1988, proposed to amend the FM Table of Allotments to specify Channel 288A at Jupiter, Florida as its second FM channel. As indicated in the NPRM, the proposed addition of Channel 288A at Jupiter is contingent on Station WAVW(FM) moving to Channel 279C2 in accordance with the provisions contained in the Commission's Report and Order in MM Docket 86-284. At such time as WAVW(FM) completes its upgrade on Channel 279C2, Channel 288A would be available for assignment to a number of communities along the eastern coast of Florida, including Jupiter.

Counterproposal - Allotment of Channel 288A to White City, Florida


Petitioner hereby proposes amendment of the Commission's FM Table of Allotments to specify Channel 288A at White City, Florida as its first FM channel. White City, Florida is defined by the U.S. Department of Commerce, Bureau of the Census, as a Census Designated Place (CDP) with a 1980 population of 4,110 persons. The attached Exhibit 1 is 1980 Census map showing the extent of the White City CDP. At present, White City, Florida has no local AM or FM broadcast assignments.

The attached Table 1 is a listing of the results of an allocation study which demonstrate that Channel 288A could be allocated to White City, Florida in accordance with the separation criteria contained in section 73.207 of the Rules and Regulations, with respect to all existing, authorized or proposed stations or other unused allotments. The attached Exhibit 2 is map showing the area within which the Channel 288A transmitter could be located at White City, in accordance with the requirements of Sections 73.207 and 73.315 of the Rules.

A proposal to amend the FM Table of Allotments to specify Channel 267A at Port St. Lucie, Florida as its first FM channel is presently pending before the Commission in MM Docket 88-217 (RM-6169). A counterproposal in MM Docket 88-217 (RM-6465) proposes substitution of Channel 288A for Channel 267A at Port St. Lucie. An engineering study indicates that the communities of Port St. Lucie and White City are approximately 9 kilometers apart, and that the separation between the Port St. Lucie and Jupiter reference points is 46.6 kilometers. Section 73.207 of the Commission's Rules requires a separation between co-channel Class A allotments of at least 105 kilometers. Consequently, should the counterproposal in MM Docket 88-217 requesting allotment of Channel 288A to Port St. Lucie be adopted, Channel 288A would not be available for use either in Jupiter or in White

City, Florida. In the event that the counterproposal in MM Docket 88-217 is not adopted, Channel 267A could be assigned to Port St. Lucie and Channel 288A would be available for allocation to White City, Florida as its first FM channel.

This Engineering Statement and the accompanying exhibits were prepared by me personally, or under my direction. All of the facts herein are true, except where stated to be on information or belief, and to those facts I believe them to be true.



William T. Haggerty
September 22, 1988

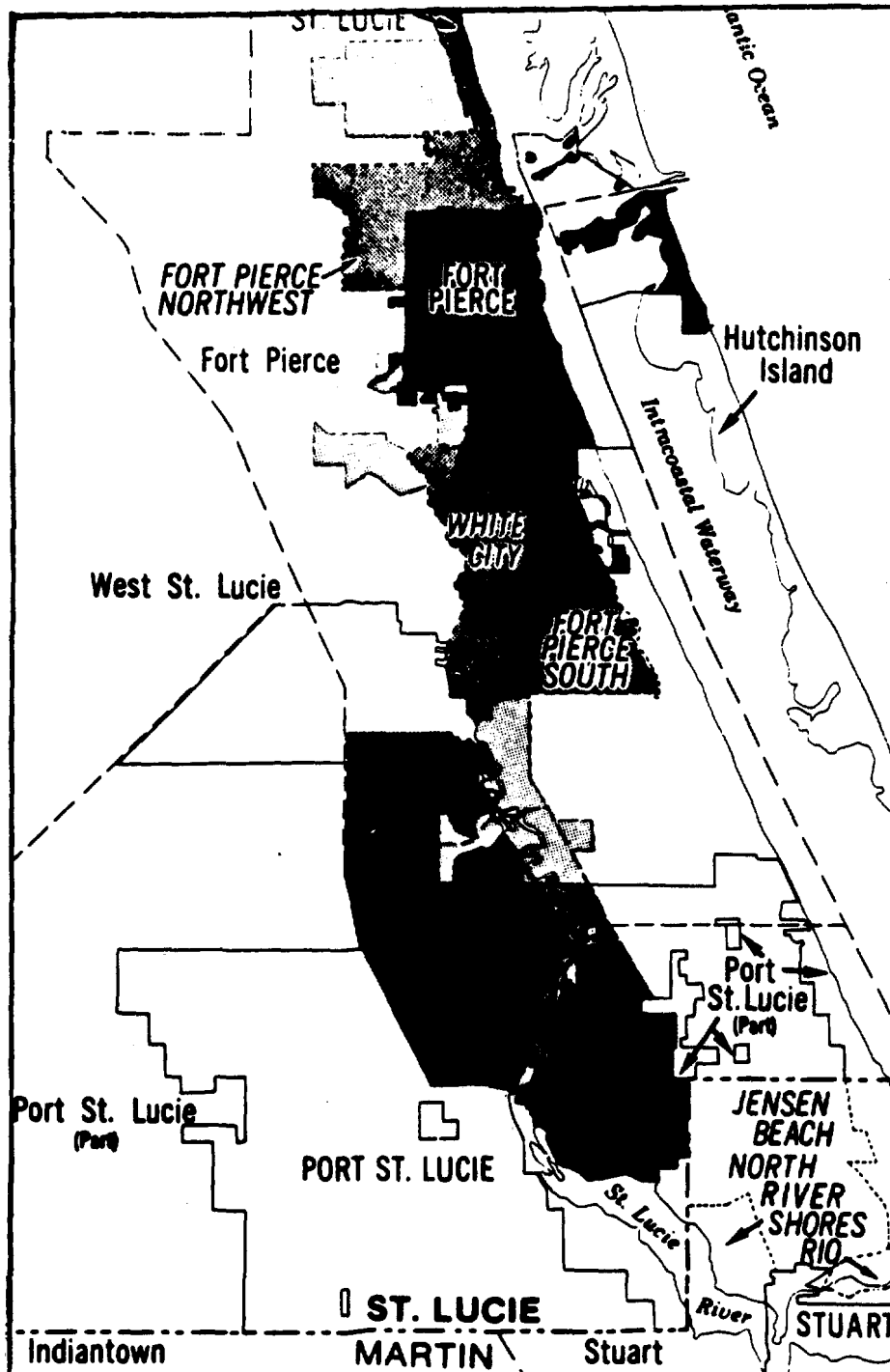


Exhibit 1

RUBIN. BEDNAREK & ASSOCIATES, INC.
CONSULTING TELECOMMUNICATIONS ENGINEERS
WASHINGTON, D.C.

